

FILED & ENTERED

APR 11 2018

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY bakchell DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

KODY BRANCH OF CALIFORNIA, INC.,

Debtor.

Case No. 2:17-bk-23722-RK

Chapter 11

**CORRECTED ORDER ON NOTICE OF
VOLUNTARY DISMISSAL/WITHDRAWAL
BY UNITED STATES TRUSTEE OF MOTION
UNDER 11 U.S.C. § 1112(b) TO CONVERT,
DISMISS OR APPOINT A CHAPTER 11
TRUSTEE WITH AN ORDER DIRECTING
PAYMENT OF QUARTERLY FEES AND
FOR JUDGMENT THEREON AND
REQUEST TO VACATE EVIDENTIARY
HEARING, SETTING FURTHER HEARING
ON MOTION AND NOTICE OF VOLUNTARY
DISMISSAL WITHDRAWAL AND
VACATING EVIDENTIARY HEARING**

Date: April 18, 2018

Time: 11:00 a.m.

Courtroom: 1675

Roybal Federal Building

255 East Temple Street

Los Angeles, California

Pending before the court is the Notice of Voluntary Dismissal/Withdrawal by the
United States Trustee of his motion under 11 U.S.C. § 1112(b) to convert, dismiss or
appoint a Chapter 11 trustee with an order directing payment of quarterly fees and for

1 judgment thereon and request to vacate evidentiary hearing, filed on March 26, 2018.

2 Given the multiple responses of interested parties to the contested matter of the motion
3 of the United States Trustee to convert, dismiss or appoint trustee, the court had set the
4 motion for an evidentiary hearing before the court on April 25, 2018 at 9:00 a.m.

5 As recognized by Local Bankruptcy Rule 9013-1(k), an order on a request for
6 voluntary dismissal of a motion may be required, and thus, the court issues this order on
7 the request of the United States Trustee for voluntary dismissal of his motion and rules
8 as follows:

9 1. Since multiple parties had filed responses to the motion of the United States
10 Trustee to convert, dismiss or appoint a trustee, the court sets a hearing on the
11 voluntary dismissal/withdrawal of the motion by the United States Trustee for April 18,
12 2018 at 11:00 a.m. before the undersigned United States Bankruptcy Judge in
13 Courtroom 1675, Roybal Federal Building, 255 East Temple Street, Los Angeles,
14 California. This also means that the court will also have a further hearing on the
15 underlying motion of the United States Trustee to convert, dismiss or appoint a trustee
16 at the same date and time as the hearing on the voluntary dismissal/withdrawal of the
17 motion. A hearing on the court's order to show cause why the bankruptcy case should
18 not be dismissed because Debtor, an entity debtor, is no longer represented by counsel
19 as required by Local Bankruptcy Rule 9011-2(a) is also set for the same date and time
20 of April 18, 2018 at 11:00 a.m., and it makes sense that all of these matters be heard
21 together.

22 2. The evidentiary hearing on the motion set for April 25, 2018 at 9:00 a.m. is
23 vacated because most likely, the hearing on the motion now being set for April 18, 2018
24 at 11:00 a.m. will resolve the motion, and an evidentiary hearing would probably not be
25 necessary. If an evidentiary hearing on the motion is later shown to be needed, it can be
26 rescheduled at the appropriate time.

27 3. Any party in interest who desires to respond to the voluntary
28 dismissal/withdrawal by the United States Trustee of his motion to convert, dismiss or

1 appoint a trustee, or to further respond to the underlying motion to convert, dismiss or
2 appoint a trustee, may do so orally at the hearing on April 18, 2018.

3 IT IS SO ORDERED.

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25 Date: April 11, 2018



Robert Kwan
United States Bankruptcy Judge